

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE ALFONSO RUIZ,

Plaintiff,

v.

SUPERIOR COURT OF CALIFORNIA, et
al.,

Defendants.

No. 1:20-cv-00179-DAD-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION WITH LEAVE TO AMEND

(Doc. Nos. 1, 12)

Plaintiff Jose Alfonso Ruiz is proceeding *pro se* and *in forma pauperis* in this action brought pursuant to 28 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 30, 2020, the assigned magistrate judge screened plaintiff's complaint and found that "the allegations [were] so vague and conclusory that" they failed to state any cognizable claim. (Doc. No. 4 at 2.) The screening order granted plaintiff thirty (30) days from the date of service of that order to file an amended complaint or to notify the court that he wished to stand on his original complaint, subject to findings and recommendations to the district judge consistent with the screening order. (*Id.* at 3–4.) The assigned magistrate judge warned plaintiff that a failure to file an amended complaint or a notice that he wished to stand on his original complaint could result in the dismissal of this case. (*Id.* at 3.) After receiving several extensions of time to

1 respond to the screening order, on November 16, 2020, plaintiff filed a notice of his intent to
2 stand on his original complaint. (Doc. No. 10.)

3 Accordingly, on December 4, 2020, the assigned magistrate judge issued findings and
4 recommendations consistent with the screening order, recommending that this action be
5 dismissed with leave to amend. (Doc. No. 12 at 1.) Those findings and recommendations were
6 served on plaintiff and contained notice that any objections thereto were to be filed within
7 fourteen (14) days from the date of service. (*Id.* at 1–2.) No objections have been filed, and the
8 deadline to do so has expired.

9 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
10 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
11 magistrate judge’s findings and recommendations are supported by the record and by proper
12 analysis.

13 Accordingly,

- 14 1. The findings and recommendations issued on December 4, 2020 (Doc. No. 12) are
15 adopted in full;
- 16 2. This action is dismissed, with leave to amend, due to plaintiff’s failure to state a
17 cognizable claim;
- 18 3. Within thirty days from the date of service of this order, plaintiff shall file a first amended
19 complaint;
- 20 4. Any failure by plaintiff to file an amended complaint within the time provided by this
21 order will result in the dismissal of this action; and
- 22 5. This matter is referred back to the magistrate judge for further proceedings consistent with
23 this order.

24 IT IS SO ORDERED.

25 Dated: February 3, 2021

26 
UNITED STATES DISTRICT JUDGE